

Appl. No. 10/648,598  
Amdt. Dated January 21, 2008  
Reply to Office Action Mailed October 19, 2007

### **REMARKS**

These Remarks are in response to the Office action mailed October 19, 2007. Claims 1, 7 and 9 have been amended. Claims 5-6 have been canceled without prejudice. In addition, applicant has added new claims 10-13. No new matter is added. Claims 1-4 and 7-13 are pending in the application. Applicant appreciates Examiner's thorough search and careful review of the present application.

#### ***Claim Objection***

Claim 9 is objected to because of the following informality: a typographical error.

In response, applicant has changed the limitation "means for daily yields" to the limitation "means for gathering daily yields" in claim 9, for the purpose of overcoming the objection. Reconsideration and removal of the objection of claim 9 are requested.

#### ***Claim Rejections Under 35 U.S.C. 103***

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,102 to Rush et al (hereinafter referred to as "Rush") in view of the article "Common Sense Manufacturing, a Method of Production Control" to Betz (hereinafter referred to as "Betz").

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rush in view of Betz, and further in view of Official Notice.

In response to these rejections, applicant has amended claims 1, 7 and 9 by adding more limitations thereinto. Support for the amendments can be found in the originally filed specification and/or drawings of the present

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application. No new matter is added. Claims 5-6 have been canceled without prejudice.

Applicant requests reconsideration and removal of the rejections and allowance of claims 1-4, 7-9 and new claims 10-13. The following remarks herein are responsive to the rejections as understood.

**Claims 1-6 and 10-11**

Claim 1, as amended, recites in part:

*'the order balancing module is used to balance manufacturing orders in accordance with daily production yield gathering by the yield gathering module, and generate a temporary record for recording data on changing of manufacturing orders;*

*the order adjusting module is used to receive manufacturing order adjusting instructions from a user, and add the manufacturing order adjusting instructions into the temporary record; and*

*the document updating module is used to update data stored in a master list of manufacturing orders, detailed records of manufacturing orders, and corresponding planning bills of material (BOMs) in accordance with the temporary record generated by the order balancing module'.*

Applicant submits that Rush and Betz, whether taken alone or in combination, do not teach or otherwise suggest the above-highlighted features as currently set forth in amended claim 1.

Rush discloses that if manufacturing/purchasing lead time for an component item is not zero, the lead time will be subtracted from a "FDTXNDATE" of a parent item walking [sic] a production calendar and used for a new MRP record (see col. 17, lines 7-33). Rush also provides an

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"Item master extension" interface to input relevant data (see figure 1). Rush further discloses that a user may manipulate demand in order to manage production resources by entering a quantity (see col. 8, lines 59-63).

According to these teachings of Rush, it is understood that Rush discloses some interfaces for the user to input several kinds of data (i.e., Demand, Master Production Schedule, Low Level Code, etc), and the new MRP record is generated by determining whether the manufacturing/purchasing lead time is zero or not, and then subtracting relevant time.

However, it is apparent that the means of generating a temporary record and receiving manufacturing order adjusting instructions in amended claim 1 is plainly different and patentably distinct from the generation of the new MRP record and the interface disclosed by Rush, for at least following reasons:

As recited in amended claim 1, the temporary record is generated for *recording data on changing of manufacturing orders*; the manufacturing order adjusting instructions are received and added into the temporary record; and then the temporary record is used for updating relevant data stored in a master list of manufacturing orders, detailed records of manufacturing orders, and corresponding planning bills of material (BOMs).

Moreover, Rush does not provide any relevant teaching or suggestion in relation to the presently claimed features of "*generating a temporary record*", "*receiving manufacturing order adjusting instructions from the user*", "*adding the adjusting instructions into the temporary record*", and "*updating data ... in accordance with the temporary record generated by the order balancing module*". In this regard, applicant respectfully

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traverses the characterization of Rush's teachings made on pages 3-4 of the Office action.

Accordingly, Rush fails to teach or suggest the features whereby *'the order balancing module is used to balance manufacturing orders in accordance with daily production yield gathering by the yield gathering module, and generate a temporary record for recording data on changing of manufacturing orders; the order adjusting module is used to receive manufacturing order adjusting instructions from a user, and add the manufacturing order adjusting instructions into the temporary record; and the document updating module is used to update data stored in a master list of manufacturing orders, detailed records of manufacturing orders, and corresponding planning bills of material (BOMs) in accordance with the temporary record generated by the order balancing module'* (see para. [0019] on pages 6-7 of the specification), as set forth in amended claim 1. Additionally, Betz fails to teach or suggest the above-highlighted features. Applicant submits that any combination of the references does not teach or suggest the above-highlighted features either.

Amended claim 1 further recites in part:

*"the yield gathering module is used to gather production yields in accordance with data stored in daily production statements and daily stock receipt statements"*.

Applicant submits that Rush and Betz, whether taken alone or in combination, do not teach or otherwise suggest the above-highlighted features as currently set forth in amended claim 1.

As stated on page 3 of the Office action, Rush does not provide any disclosure regarding the yield gathering module as highlighted above. That is, Rush fails to teach or suggest the invention having the above-highlighted features as set forth in amended claim 1.

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On page 4 of the Office action, it is stated that Betz teaches a method for calculating yields by dividing the number of good parts produced at a process step by the total number of parts that start at that step. Applicant respectfully disagrees and traverses as follows. Betz discloses that process yields (Y) are simply the number of good parts (n) that are produced at any individual operation, divided by the number (N) of good parts which are started at that operation:  $Y=n/N$  (see p.3, heading "Process Yield Analysis", through p.4, para. 1).

From the disclosures of Betz, it can be concluded that the process yields (Y) are ratios manipulated by comparing the number of good parts (n) with the number of good parts (N). However, the present invention provides that product yields are gathered from data stored in daily production statements and daily stock receipt statements, wherein the daily production statements and the daily stock receipt statements respectively store daily production yields and daily stock receipts (see para. [0019] on pages 6-7 of the present specification). It is apparent that the means of acquiring/gathering the production yields in claim 1 and the process yields of Betz are very different. The presently claimed feature of "the production yields" in amended claim 1 is patentably different from the process yields disclosed by Betz.

That is, Betz fails to teach or suggest the feature of *'the yield gathering module is used to gather production yields in accordance with data stored in daily production statements and daily stock receipt statements'* (see para. [0019] on pages 6-7 of the specification), as set forth in amended claim 1.

In addition, on page 4 of the Office Action, it is stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Betz's method of calculating yields in the yield

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gathering module in the invention of Rush. One of ordinary skill in the art would have been motivated to do so in order to incorporate production yields into an MRP system (see Betz, page 4, paragraph 2). Applicant respectfully disagrees and traverses as follows:

The proposed combination of Rush and Betz is not the application or use of known features to obtain a predictable result. This is because, as asserted above, Betz fails to teach or suggest the above-highlighted features as recited in amended claim 1. Therefore even assuming that Betz's teachings are applicable to Rush, from the standpoint of a person of ordinary skill in the art, there are still no illustrative instances in Rush's system as modified by Betz to provide the above-highlighted features of amended claim 1.

That is, a consideration of Rush and Betz with the knowledge generally available to one of ordinary skill in the art still does not provide any suggestion or motivation to modify Rush and Betz or combine Rush and Betz to achieve the present production yields, let alone the present production yields functionality relating to gathering data from the daily production statements and the daily stock receipt statements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaecck, 947 F.2d 488, 20 USPQ2D 1438 (Fed. Cir. 1991). Put another way, Betz fails to overcome the shortcomings of Rush.

For at least the above reasons, applicant submits that any combination of Rush and Betz does not teach or suggest the features of *"the yield gathering module is used to gather production yields in accordance with data stored in daily production statements and daily stock receipt*

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*statements*", as currently set forth in amended claim 1. Accordingly, amended claim 1 is unobvious and patentable over Rush in view of Betz under 35 U.S.C. 103. Reconsideration and removal of the rejection and allowance of amended claim 1 are requested.

Dependent claims 2-3 include all the subject matter of independent claim 1, and respectively incorporate additional subject matter therein. Thus, claims 2-3 should also be allowable.

As regards dependent claim 4, applicant refers to and relies on the above assertions regarding the patentability of amended claim 1 under 35 U.S.C. 103 over Rush in view of Betz. Applicant submits that Official Notice does not materially add to the teachings of Rush and Betz. That is, amended claim 1 is submitted to be unobvious and patentable under 35 U.S.C. 103(a) over Rush in view of Betz, and further in view of Official Notice. Thus, claim 4 is also unobvious and patentable under 35 U.S.C. 103(a) over Rush in view of Betz, and further in view of Official Notice. Reconsideration and removal of the rejection and allowance of claim 4 are requested.

Claims 5-6 have been canceled without prejudice, therefore the rejections relating thereto are now moot.

New claims 10-11 depend directly from claim 1, and respectively incorporate additional subject matter therein. Thus, claims 10-11 should also be allowable.

If further argument is needed regarding claim 10, this claim recites that the manufacturing order adjusting instructions comprise an instruction of reclaiming a manufacturing order, an instruction of canceling a manufacturing order, and an instruction of changing a manufacturing order (see para. [0019] on pages 6-7 of the specification). Rush and Betz do not provide any relevant teaching or suggestion in relation to these claimed features.

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For at least the above reasons, it is submitted that claims 10-11 also represent patentable subject matter.

**Claims 7-8 and 12-13**

Claim 7, as amended, recites in part:

*'gathering daily yields from daily production statements and daily stock receipt statements;*

*balancing manufacturing orders in accordance with quantities of products, comprising the steps of:*

*(a) generating a temporary record for recording data on changing of manufacturing orders;*

*(b) receiving manufacturing order adjusting instructions from a user; and*

*(c) adding the manufacturing order adjusting instructions into the temporary record;*

...

*updating data stored in a master list of manufacturing orders, a corresponding detailed record of a manufacturing order, and a corresponding planning BOM in accordance with the temporary record'.*

Claim 7 is a method claim corresponding to the system for balancing manufacturing orders of amended claim 1. Referring to and incorporating herein the above-asserted reasons regarding the patentability of claim 1, applicant submits that for similar reasons Rush and Betz, taken alone or in combination, do not teach or otherwise suggest the invention having the above-highlighted features as set forth in amended claim 7. Accordingly, amended claim 7 is unobvious and patentable over Rush in view of Betz under 35 U.S.C. 103. Reconsideration and removal of the rejection and allowance of claim 7 are requested.



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Dependent claim 8 includes all the subject matter of independent claim 7, and incorporates additional subject matter thereinto. Thus, claim 8 should also be allowable.

New claims 12-13 depend directly from claim 7. It is submitted that claims 12-13 also represent patentable subject matter.

#### Claim 9

Claim 9, as amended, recites in part:

*'means for gathering daily yields from daily production statements and daily stock receipt statements;*

*means for balancing manufacturing orders in accordance with quantities of made products, comprising means for:*

*(a) generating a temporary record for recording data on changing of manufacturing orders;*

*(b) receiving manufacturing order adjusting instructions from a user; and*

*(c) adding the manufacturing order adjusting instructions into the temporary record;*

*means for updating data stored in a master list of manufacturing orders, a corresponding detailed record of a manufacturing order, and a corresponding planning BOM in accordance with the temporary record'.*

For at least reasons similar to those asserted above in relation to claims 1 and 7, with due alteration of details, applicant asserts that claim 9 is unobvious and patentable over Rush in view of Betz under 35 U.S.C. 103(a). Reconsideration and removal of the rejection and allowance of claim 9 are requested.

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In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,  
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